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Committee on Economic, Social and Cultural Rights

Fifty-second session

Summary record of the first part (public)* of the 10th meeting
Held at the Palais Wilson, Geneva, on Friday, 2 May 2014, at 3 p.m.

Chairperson: Mr. Kerdoun (Vice-Chairperson)

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The meeting was called to order at 3.05 p.m.

Consideration of reports

(a) Reports submitted by States parties in accordance with articles 16 and 17 of the Covenant (*continued*)

Combined second and third periodic reports of Monaco (continued)
(E/C.12/MCO/2-3; HRI/CORE/MCO/2008; E/C.12/MCO/Q/2-3 and Add.1)

1. *At the invitation of the Chairperson, the delegation of Monaco took places at the Committee table.*

2. **Ms. Cong** asked how many young people held apprenticeship contracts and how long such training generally lasted. She also wished to know if those young people had the possibility of remaining in the service of their employer after their apprenticeship and if some of them dropped out of the training because they had to combine work with study.

3. **Mr. Marchán Romero** asked what public policies the State party had adopted to ensure access to culture for persons with disabilities, the elderly, the poor and other vulnerable persons.

4. **Mr. Bessi** (Monaco) said that Monaco had 2,014 duly declared domestic workers who had the same rights as other workers in respect of (occupational and non-occupational) sickness and accident insurance coverage, pay, holidays or unemployment benefits. Since labour inspectors could not enter an employer's private residence without his or her consent, undeclared domestic workers could initiate investigations by informing the relevant authorities of their situation.

5. The way the employment system worked in Monaco meant that few people worked without a contract. While it was not obligatory to have a written contract, any employer who wished to recruit staff had to make an offer of employment and then to submit a recruitment request to the Employment Office specifying the number of hours worked per week, the employee's classification, a job description, the length of the probation period and the monthly salary. Hence, even if there was no written contract, the authorities had all the information required in order to determine the nature and the main terms and conditions of the employment relationship.

6. Monaco regarded informal work as concealed employment which was punishable by a fine or imprisonment. The employer was obliged to pay for sick leave due to ill health or an accident in the same way as if the employee had been declared. He or she also had to regularize the employee's situation vis-à-vis the Monegasque social insurance funds. Labour inspectors could conduct unannounced checks, at any time of the day or night, at any place of work. While over 1,000 checks were made annually, the number of offences reported — rarely more than 40 — testified to the efficiency of the existing system. In 2012, Monaco had recorded 79 cases of occupational disease and 3,510 industrial accidents, more than a quarter of them occurring on the way to and from work, especially by scooter. The costs of insurance against occupational diseases and accidents were borne entirely by the employer.

7. The minimum hourly wage in Monaco was modelled on the French guaranteed minimum wage (SMIC) and currently amounted to 9.53 euros, which worked out at a gross monthly wage (for a 39-hour work week) of 1,610.57 euros, plus an allowance of 5 per cent on which no social security contributions were due. Monaco had concluded two social security agreements with Italy and France, under which workers from both those countries could be seconded to Monaco and vice versa for no more than one year (or two years in exceptional cases). During that period, the seconded worker was regarded as working in his

or her country of origin for the purpose of social security coverage. Once that period was over, he or she had to be declared to the social security authority of the country in which he or she was working. In the Principality, that person then received all the social benefits to which an employee declared in Monaco was entitled.

8. Monaco applied binding rules regarding child labour, and the Labour Inspectorate conducted meticulous checks in order to safeguard the rights of the child. Act No. 719 of 27 December 1961, on the minimum employment age, stipulated in article 1 that "before children are free from compulsory schooling, they may not be employed, even as an apprentice, in any kind of establishment, business, industry or profession. The only exceptions are the establishments, businesses, industrial or professional undertakings employing only family members under the authority of the father, mother or guardian". Compulsory school attendance was embodied in the Education Act No. 1334 of 12 July 2007, article 3 of which stated that "education is compulsory for every child of either sex once they have reached the age of 6 until they arrive at the age of 16". Monegasque legislation provided particular protection for workers under the age of 18, in that it restricted their working week to 39 hours and forbad them to work at night. Ministerial Decree No. 58-168 of 29 May 1958 concerning special occupational health and safety measures governing women's and children's work also prevented them from engaging in dangerous, immoral or morally harmful work and it set limits on the loads they could carry, drag or push. In Monaco there was no ban on foreigners holding office in trade unions or trade union federations; only the secretary general and treasurer of the federations had to be Monegasque.

9. **Ms. Cotta** (Monaco) explained that Monaco's membership of the International Labour Organization and its accession to some of its conventions would raise issues with regard to national trade union law and the Monegasque system of priority in employment. Promoting mental health and preventing mental disorders throughout life was one of the priorities of public health policy. The mental diseases observed in Monaco were similar to those encountered in other European countries. The care on offer made it possible for any person with a psychological disorder to secure suitable medical treatment, including emergency care. The multidisciplinary geriatric psychiatry branch of care offered a wide range of resources suited to the needs of the elderly both at home and in institutions. Children could receive treatment from various sources including the psychological centre which offered a less stigmatizing environment than a hospital, the part-time therapy centre and the Princess Grace Hospital Centre.

10. From the time a woman became pregnant until two months after childbirth, she was covered by rules on protection at work and was given a monthly medical check-up enabling the attending physician to inform the judiciary or the Department of Health and Social Affairs of any behaviour on her part or that of those around her which might imperil her or her child.

11. The Act on combating and preventing violence against women, children and persons with disabilities provided for measures to protect those persons. If acts of violence were committed against vulnerable persons, especially the elderly, that was regarded as an aggravating circumstance in criminal law. Turing to the waiving of medical secrecy, she cited articles 61 and 64 of the Code of Criminal Procedure, which provided that any authority, civil servant or public official who, in the course of their duties, learned of a crime or an offence was required to notify the principal public prosecutor immediately and to forward to that official all information, written evidence and documents as might be of use in punishing it and that any person who had learned of a crime or offence could report it.

12. Sexual and reproductive education was part of the life and earth sciences curriculum and campaigns were run every year to make secondary-school pupils aware of sexually transmissible infections. Act No. 1359 of 2009 established a centre for coordinating

prenatal and family support, which could provide the requisite information and counselling. Medical interruption of pregnancy was permitted only if the pregnant woman's life was in danger, if the foetus was diagnosed as suffering from an incurable disease or if pregnancy was the result of rape.

13. As of 1 April 2014, 79 persons had the status of disabled worker, 47 of them employed in a normal workplace and 32 placed in a sheltered environment; the employment rate of disabled workers in a normal workplace was 53 per cent as against 45 per cent in 2008 and that of disabled workers in a sheltered environment approached 100 per cent. Persons recognized as disabled workers by a special committee had a guaranteed earned income equivalent to 90 per cent of the SMIC if they had been placed in a sheltered workshop or in supported employment. They received the full SMIC if they were employed in an ordinary workplace. Disabled workers who were unable on their own to find a job on the ordinary labour market could be given special support. In return for making a job available to the Department of Health and Social Affairs, the employer bore only 15 per cent of the SMIC and social security contributions; the remaining 85 per cent was borne by the State. The integration of disabled workers in a normal working environment was facilitated by a skills assessment.

14. Every self-employed person in the Principality of Monaco had to join a social insurance scheme. Persons insured with Monegasque schemes had access, irrespective of their resources, to all care provided in Monegasque territory, and persons on a small income were covered by rules ensuring that they would be exempt from additional fees. All persons covered by compulsory medical insurance had equal access to medical care and treatment without discrimination on the ground of nationality. Children's medical coverage was determined by the place of work of their parents, who were at all times effectively responsible for ensuring that coverage. The requirement that a foreigner must have lived in Monaco for five years before they were eligible for welfare benefits had not been challenged in order to avoid a glut of people settling in Monaco in order to claim those benefits. At the same time, if some special cases were reported to the social services, the persons concerned could receive assistance as specified by the law, even if they had not lived in Monegasque territory for five years. Several leave arrangements existed within the civil service, such as leave without pay to enable a mother to bring up her child. In the private sector, employees could take up to 35 days of leave a year in order to look after a sick child.

15. **Mr. Cellario** (Monaco) said that it was still too early to take stock of the measures adopted in response to the ESPAD (European School Survey Project on Alcohol and Other Drugs) surveys in 2007 and 2011, where 10 per cent of youngsters in the 15–16 age group said that they had consumed a drug other than cannabis at least once. Of the 43 cases opened between 2006 and 2013 on account of violence or offences against minors, 12 concerned the organization or facilitation of the sexual exploitation of minors by the downloading or availability of child pornography files. Six proceedings had been opened for the circulation of child pornography pictures during the same period. Act No. 1355 concerning associations and federations of associations and Act No. 1382 on the prevention and suppression of particular forms of violence gave *locus standi* to associations.

16. **Ms. Ambrosini** (Monaco) explained that State housing reserved for nationals was allocated according to criteria defined by ministerial decree and that the granting of national housing benefit depended on a household's income. In the protected sector, legislation specified the order of eligibility and permitted the granting of housing benefit to nationals. Government housing located in adjacent communes could be allocated to civil servants. The housing stock belonging to the National Pension Fund was reserved as a matter of priority for Monegasque employees.

17. **Ms. Bras Gomes** wished to know more about mechanisms for assisting foreigners who had been resident in the Principality for under five years. Were fathers entitled to parental leave to look after a sick child, or did only a mother have that right?

18. **Mr. Sadi** asked how the State party intended to reconcile the Covenant provisions with the five-year residence requirement the Monegasque authorities imposed in respect of free medical assistance. He deemed the conditions for the interruption of pregnancy to be particularly restrictive, and wished to know how many women went abroad for abortions.

19. **Ms. Shin** asked whether the Domestic Violence Act had entered into force and whether health professionals and teachers were obliged to report cases of domestic violence. How heavy were the sentences to which perpetrators of violence against persons with disabilities were liable? Could a girl continue her schooling after she had had a baby?

20. **Ms. Lanteri** (Monaco) said that teenage mothers received support from the social services which enabled them to resume their studies after childbirth.

21. **Ms. Pettiti** (Monaco) explained that Act No. 1382 on the prevention and suppression of certain forms of violence, which had entered into force, strengthened the arsenal of measures to combat acts of domestic violence against a spouse, a child or any vulnerable person, including a person with disabilities. The penalty was heavier when the victim was a vulnerable person. A new article of the Criminal Code permitted the waiving of professional secrecy for health-care professionals or welfare workers who, on learning of the abuse of a minor or vulnerable person, reported it to the authorities.

22. **Ms. Lanteri** (Monaco) said that the special circumstances of Monaco, which had the highest population density in the world and offered the highest benefits, obliged the Government to place certain restrictions, such as years of residence, on drawing those benefits.

23. **Mr. Bessi** (Monaco) said that the Principality of Monaco offered 120 to 130 apprenticeship contracts every year. Most apprentices were French, Monegasque, Portuguese or Italian. The apprentice could be recruited by his or her employer at the end of the contract and he or she then received the minimum wage for the post. Estimates showed that, after their training, 60 or 70 per cent of apprentices were employed in the territory of Monaco. The Principality defrayed all the costs of training apprentices resident in its territory and half the cost of training those resident in adjacent communes.

24. **Mr. Cellario** (Monaco) said that the Scientific Centre of Monaco had a 24-strong staff, 9 of them women. Both research directors were women. The Principality took part in numerous activities in the field of international scientific cooperation, in particular under the RAMOGE Agreement with France and Italy for the protection of the marine and coastal environment in one zone of the Mediterranean. The Sovereign Prince of Monaco chaired the Mediterranean Science Commission, which organized numerous scientific exchanges in which the Oceanographic Institute and the Scientific Centre of Monaco participated. The Oceanographic Institute and the Prince Albert II of Monaco Foundation engaged in environmental preservation. Partnerships had also been established between Monegasque bodies and French research laboratories and universities. The Scientific Centre of Monaco and the World Health Organization were conducting joint research into the impact of climate change on health. As far as access to scientific and technical progress was concerned, the Principality's medical facilities offered its residents and people in its catchment area a high-end technical platform and high-quality medical care.

25. It was the Principality's policy to promote access to culture for all, especially for vulnerable persons, by making premises available to associations, ensuring that public buildings were accessible to persons with reduced mobility, endeavouring to disseminate

culture to young people in educational establishments and offering young people, the elderly or persons with disabilities free or cheap tickets for performances and exhibitions.

26. **Ms. Lanteri** (Monaco) said that Monaco hosted some institutions such as the International Hydrographic Bureau and the secretariat of the Agreement on the Conservation of Cetaceans of the Black Sea, Mediterranean Sea and Contiguous Atlantic Area.

27. **Mr. Atangana** (Rapporteur for Monaco) welcomed the dialogue with the delegation of Monaco. He was sure that the concluding observations would reflect its substance.

28. **The Chairperson** said that the Committee had completed its consideration of the combined second and third periodic reports of Monaco. Its concluding observations would be adopted on 23 May.

The first part (public) of the meeting rose at 4.35 p.m.